

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR A	:	
PRIVATE SECURITY PERSON PERMIT	:	
	:	ORDER GRANTING
	:	LIMITED PERMIT
AMBER HALE	:	ORDER 0008818
APPLICANT.	:	

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Amber Hale
Wisconsin Rapids, WI 54495

Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this application. The Wisconsin Department of Safety and Professional Services (Department) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Amber Hale (Applicant) applied for a Private Security Person Permit issued by the Department (#843083).

2. Information reviewed in the application process establishes that Applicant has the following ordinance record:

A. On or about April 17, 2018, Disorderly Conduct, an ordinance violation, in Marathon County case 16 CM 2417.

i. According to the Criminal Complaint, Applicant pulled tags off merchandise in Kohl's, kept merchandise in her possession, and passed the point of sale without paying, leaving the store. Applicant told police that she was drinking a lot that day and that she blacks out when she drinks. As a result, Applicant could not remember all of what she took, but she did admit to stealing some shoes.

3. Further information on file establishes the following:

A. On or about January 20, 2023, Applicant submitted application #843083 for a Private Security Permit, answering “Yes” to question one (1) of the Conviction Questionnaire, stating:

i. “I had been with some friends who stole items from a store and I wasn’t aware of what they were doing. Since I had been with them I was also charged for the crime.”

B. On or about February 9, 2023, Applicant submitted a “Convictions and Pending Charges Form (#2254)”, stating, in part:

i. “In 2016, I was convicted of retail theft. I made the poor decision to go along with friends into Kohl’s and take them without purchasing them.”

4. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Department of Safety and Professional Services (Department) has jurisdiction over this matter, pursuant to Wis. Stat. §§ 440.26(5m)(am), 111.335(3)(a)(1), 440.26(2)(c)5. and 440.26(6)(a)3. and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 440.26(5m)(am), the Department may refuse to issue a Private Security Person permit to a person who has been convicted of a misdemeanor or found to have violated any state or local law that is punishable by a forfeiture, subject to Wis. Stat. §§ 111.321, 111.322, and 111.335.

3. Pursuant to Wis. Stat. § 111.335(3)(a)(1) and Wis. Admin. Code §§ SPS 31.05(1)(e) and 35.01(2), it is not employment discrimination because of conviction record to refuse to license, or to bar or terminate from licensing, any individual who has been convicted of any misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.

4. A substantial relationship occurs where “the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed.” *County of Milwaukee v. Labor & Indus. Review Comm’n*, 139 Wis. 2d 805,824 (1987). The crux of the inquiry is the circumstances which foster criminal activity, e.g. the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. *Id.*

5. The facts and circumstances of Applicant’s Disorderly Conduct ordinance violation are substantially related to the practice of a Private Security Person.

A. A Private Security Person is responsible for maintaining order, upholding rules,

and protecting the security of people and property.

B. Private Security Persons are often employed in retail environments.

C. The circumstances of Applicant's Disorderly Conduct ordinance are substantially related to the practice of a Private Security Person. Applicant's conduct demonstrates a propensity to violate the security of retail merchandise and property.

6. Pursuant to Wis. Stat. §§ 440.26(2)(c)5. and 440.26(6)(a)3. and Wis. Admin. Code §§ SPS 31.05(1)(a), SPS 31.05(1)(e), and SPS 35.01(17), the Department may deny an application for a Private Security Person Permit if the applicant commits fraud, makes misrepresentations, or provides false information in the application.

A. By her conduct as outlined in Findings of Fact paragraph 3. A. i., Applicant made misrepresentations and provided false statements in her application for a Private Security Person credential. Applicant stated that she was only charged because she was present with friends who were stealing and did not admit to directly committing the retail theft, which was the basis for the disorderly conduct ordinance.

7. As a result of the above Findings of Fact and Conclusions of Law, Applicant's Private Security Person Permit application is subject to limitations, pursuant to Wis. Stat. §§ 440.26(5m)(am), 111.335(3)(a)1, 440.26(2)(c)5., 440.26(6)(a)3., and Wis. Admin. Code §§ SPS 31.05(1)(a), SPS 31.05(1)(e), SPS 35.01(2), and SPS 35.01(17).

ORDER

1. The attached Stipulation is accepted.

2. Applicant's application for a Private Security Person Permit is granted subject to the following limitations.

3. Applicant's ability to practice as a Private Security Person is LIMITED for a period of at least two years from the date of this Order as follows:

A. Practice Limitations

i. Applicant shall provide a copy of this Order to her current and any future employer(s). Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitor within 14 days of beginning new employment and/or within 14 days of the date of this Order for employment current as of the date of this Order.

- ii. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal ordinance violations, to the Department Monitor within 48 hours of any such event, including any convictions resulting from pending charges.
- iii. Applicant shall be prohibited from providing Private Security Person services in a retail environment.

B. Reporting Requirements

- i. Applicant shall arrange for written reports from her private security person supervisor(s) to be provided to the Department Monitor on a quarterly basis, beginning 90 days from the date of this Order. These reports shall describe the circumstances of Applicant's employment, assess her work performance and verify that she is in compliance with the laws governing the practice of a private security person and the terms of this Order.
- ii. Applicant is responsible for compliance with all of the terms and conditions of this Order. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

4. The Department Monitor is the individual designated by the Department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, or delivered to:

DEPARTMENT MONITOR
Division of Legal Services & Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone: (608) 266-2122
dpsmonitoring@wi.gov

Information may also be submitted online via the Department's Monitoring Case Management System at: <https://app.wi.gov/DSPSMonitoring>

5. Applicant may petition the Department to lift or revise the Limitations set forth above upon demonstration of continuous, successful practice in compliance with the terms of the Order for at least one year. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Department or its designee. Any such petition shall be accompanied by a written recommendation from Applicant's current employer. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3),

or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

6. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

7. If Applicant violates any term of this Order, Applicant's permit may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of the Order. The Department may, in addition and/or in the alternative, refer any violation of this Order to the Department's Division of Legal Services and Compliance for further investigation and action.

8. This Order is effective on the date of its signing.

Dated at Madison, Wisconsin this 10th day of October, 2023.

A handwritten signature in black ink, appearing to read "A. Rohmeyer".

Aloysius Rohmeyer, Chief Legal Counsel
On behalf of the Department of Safety
and Professional Services

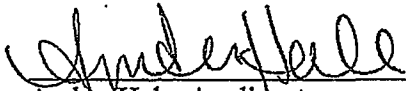
STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR A	:	
PRIVATE SECURITY PERSON PERMIT	:	
	:	STIPULATION
AMBER HALE,	:	
APPLICANT.	:	ORDER 0008818

Amber Hale (Applicant) and the Department of Safety and Professional Services (Department) stipulate as follows:

1. Applicant filed an application for a Private Security Person Permit (#843083).
2. Information received by the Department reflects a basis for denial of Applicant's application.
3. Based upon the information of record, the Department agrees to issue, and Applicant agrees to accept, an Order granting a Private Security Person Permit, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - the right to request a hearing related to the denial of the application;
 - the right to confront and cross-examine the witnesses against Applicant;
 - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - the right to testify on Applicant's own behalf;
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
 - the right to petition for rehearing; and
 - all other applicable rights afforded to Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
6. Applicant agrees to the adoption of the attached Order Granting Limited Permit by the Department. The parties to the Stipulation consent to the entry of the attached Order Granting Limited Permit without further notice, pleading, appearance, or consent of the parties. Applicant waives all rights to any appeal of the Department's order, if adopted in the form as attached.

7. Applicant is informed that should the Department adopt this Stipulation, the Department's Order Granting Limited Permit is a public record and will be published in accordance with standard Department procedure.



Amber Hale, Applicant
Wisconsin Rapids, WI 54495
Application No. 843083

9-14-23

Date



Aloysius Rohmeyer, Chief Legal Counsel
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 8935
Madison, WI 53708-8935

10/10/2023

Date